

District II Advisory Board Minutes

June 16, 2008

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The District II Advisory Board meeting was held at 7:00 p.m. at the Hillside Christian Church located at 8330 E. Douglas Avenue. CM Schlapp was in attendance, (10) board members attended, (4) staff and approximately (93) citizens were in attendance. Only those individuals who signed in are listed as guests below.

Members Present

Joe Johnson
Max Weddle
Marty Weeks
Sarah Devries
Phil Ryan
Tim Goodpasture
Larry Frutiger
Daryl Crotts
David Mollhagen

Brian Carduff

Members Absent

Aaron Mayes

Staff Present

Antione Sherfield, Neighborhood Assistant
Bill Longnecker - Planning
Officer Lloyd - Patrol East
Officer Hinner – Patrol East

Guests

Listed below

ORDER OF BUSINESS

CALL TO ORDER

The meeting was called to order at 7:00 p.m. DAB members did introductions. CM Schlapp welcomed everyone and explained how the DAB meeting is conducted. She advised that Chairman Joe Johnson runs the meeting as she likes to get feedback from her board on issues brought before them and feels that this is the best manner to receive that information. CM Schlapp also stated that she would take over the meeting when we approached a certain topic due to a potential conflict of interest.

APPROVAL OF MINUTES AND AGENDA

The meeting agenda for June was approved **(10-0)**

The meeting minutes for May were approved **(10-0)**

STAFF REPORT

1. Community Police Report

Officer Lloyd provided information pertaining to current crime trends in District II. Officer Lloyd stated that mailbox thefts are down in the area. He encouraged individuals to call 911 when they see suspicious people in your neighborhood. He stated that there has been an increase in auto thefts in the Southeast area of the City primarily at Harry Street and Webb Road. He also stated there was a gang related stabbing at Towne East and the suspect was in custody. Finally, Officer Lloyd encouraged everyone to be aware of your surroundings and to keep garages shut when not in use.

Recommended Action: Receive and file.

2. CUP2008-00015/ZON2008-00021

Bill Longnecker, Planning Department provided presentation on proposal for creation of DP-313 Parker Addition CUP, a City Community Unit plan (associated with ZON2008-00021), generally located on the Northwest and Southwest corner of Central Avenue and 127th Street East. The applicant proposes to create a commercial community unit plan (“CUP”) containing 29.5 acres with nine parcels located on the northwest and southeast corners of the intersection of Central Avenue and 127th Street East and running parallel to K-96. Ten acres (10.1) of the CUP is zoned “LC” Limited Commercial and the applicant has requested to rezone the balance of the CUP (19.4 acres) from SF-5 Single-family Residential to LC. Parcels 1-7 would comprise the property to the northwest of the intersection, except for the 0.8 acre corner tract that is under separate ownership and already developed as a convenience store with gas islands and a single-bay car wash. Parcels 8 and 9 would comprise the property bordered by Central Avenue, K-96, the south I-135 ramp and 127th Street East.

All parcels except Parcel 2 would allow uses permitted by right in the LC district. Parcel 2, located on the western edge of the CUP along Central adjacent to Crestlake Addition, would be restricted to NR Neighborhood Retail (“NR”) uses. Uses prohibited on the entire CUP are: cemetery, correctional placement residences, taverns, nightclubs, drinking establishments or adult entertainment establishments (sexually oriented businesses). Additional prohibitions are on auto-oriented uses (service stations, convenience stores with gas islands, restaurants with drive-in or drive through facilities and vehicle repair) within 200 feet of residential zoning, overhead doors facing residential districts, and screening of these types of trash, mechanical equipment, loading docks and service areas.

The CUP provides architectural standards, consistent design of lighting elements and height limitation of 20 feet, landscape palette consistency and more stringent planting ratios, avoidance of neon and florescent lighting on buildings. A standard masonry wall is required on the north and west property lines of Parcels 1, 2 and 7. Additional signage and lighting provisions are suggested to protect the adjacent residential development under construction from the commercial uses.

Kevin Jones, 13109 Ridgfield Place, stated that he was not opposed to the potential CUP but doesn’t want his neighborhood to look like 21st Street and Webb Road with commercial businesses on every corner. **Daryl Crofts, DAB Member**, asked if additional screening or row of trees would be helpful. Kevin Jones stated that that would be nice. **Bill Longnecker**, asked **Tim Austin, Agent** if it would be possible for the applicant to provide landscaping to assist with screening. Tim Austin stated that this would not be a problem.

Recommended Action: **Daryl Crofts, DAB Member** made motion to accept the recommendation of Staff based on emphasis on additional landscaping. **DAB** voted **(10-0)** in favor of Staff’s recommendation with emphasis on additional landscaping.

3. ZON2008-00026

Bill Longnecker, Planning Department, presented information in reference to City Zone change from SF-5 Single-family Residential and LC Limited Commercial to GC General Commercial, generally located on the South side of Lewis 1/2 block West of Zelta and one block North of Kellogg. The applicants request a zone change from SF-5 Single-family Residential (“SF-5”) and LC Limited Commercial (“LC”) to GC General Commercial (“GC”) on a site encompassing two properties. The property at 11002 East Lewis Street is 0.87 acres in size, while the property at 11728 East Lewis Street is 0.88 acres in size (Lots 47 and 46 respectively of the Linwood Acres Addition.) Lot 47 is developed with an outbuilding while Lot 46 is currently undeveloped. The applicants proposed to use the site for vehicle rental and additional outdoor storage.

The applicant is not requesting access to Lewis from the expanded site. Access to the subject site will be provided from the frontage road through the existing property along Kellogg Drive. The applicant will be asked to submit an agreement not to protest participating in the future paving of Lewis Street. The City’s landscape code will require the frontage along Lewis Street to be landscaping with trees in front of a screening fence.

The surrounding area is characterized, predominantly, by large undeveloped and developed commercial properties zoned either LC or GC. Residential development is located north of the subject site, across Lewis, with property zoned MH Manufactured Housing District (“MH”), TF-3 Two-family Residential (“TF-3”), MF-18 Multi-family Residential (“MF-18”) and SF-5 with development consisting of a Mobile Home Park and single-family residences. The property to the south (same property owner as the subject site) is zoned GC and is developed as an auto dealership. The property to the east of the subject site is zoned LC and SF-5 and is currently developed with a Manufactured Home Park along with some undeveloped property, while the property to the west of the subject site is zoned GC and is being developed as an automobile dealership.

David Mollhagen, DAB Member, excused himself from the Board to comment on this specific case. David inquired about the paving of Lewis Street, David stated he was concerned that if someone pays to have road paved they should be able to use the road. **Russ Ewy, Agent**, stated that Lewis Street would not warrant paving in the near future. Russ also stated that if the situation arises down the line they would seek a vacation to get the site developed.

Recommendation: Tim Goodpasture, DAB Member, made motion to approve staff’s recommendation. DAB voted (10-0) to approve Staff’s recommendation.

4. CON2008-00018

Bill Longnecker, Planning Department represented information in reference to City Conditional Use for Day Care, general, on property zoned “SF-5” Single-family Residential. **Bill** stated that the applicants are requesting a Conditional Use to operate a day care, general. The applicants proposed to build an approximately 20,000-sqaure foot, two-story building for a day care that will house 150 preschool aged children at any

one time. The building will be separate from the existing approximately 40,000-square foot Saint Stephen's Episcopal Church. The church owned 5.94-acre site, Block E, Third Addition to Woodlawn Village, is zoned SF-5 Single-family Residential ("SF-5"). A church is permitted by right in the SF-5 zoning district. A day care, general (Unified Zoning Code, UZC, Art II, Sec II-B., 4a & b) is an establishment that allows for the care, protection and supervision of more than 10 individuals at one time on a regular bases away from their primary residence for less than 24 hours per day. A day care, general can be considered as a Conditional Use in the SF-5 zoning district.

The proposed 20,000-square foot day care's operation schedule is year round, Monday-Friday, 7:15 AM to 6 PM, with the facility open to all preschool children, ages 22-months to six-years. Besides the maximum 150 children on site at any one time, there will also be 25-30 staff members present at any one time. During the summer months, June to mid-August, the day care operates at approximately 60% of its 150 child capacity. The site plan shows three (3) playground areas, one located south of the proposed facility and the other two located between the proposed facility and the church. The proposed areas for the playgrounds are located within 120 feet (south across Killarney Place) to 250 feet (west across north to south drainage right-of-ways, "ROWS") from the nearest lots with single-family residences. The applicants' revised proposal is to instruct the clients of the proposed day care, to use Armour Drive to access the site, via Cresthill Road and Broadmoor Avenue during the times Price Harris Elementary School isn't congesting Armour. They propose to instruct their clients to travel to their site via Killarney Place and Broadmoor Avenue between the hours of 8:45 AM – 9:15 AM and 3:45 PM – 4:15 PM.

Following **Bill's** presentation, **Daryl Crofts, DAB Member** asked if the applicant and neighborhood was able to get together and visit as encouraged following the last **DAB Meeting**. **Lester Limon (applicant)** stated that they did meet with individuals from the neighborhood in a limited fashion. He stated that it was difficult because there is no Home Owner's Association. They invited (3) individuals from the neighborhood along with CM Schlapp and (3) individuals from the Discovery Place. Mr. Limon ran the meeting. Mr. Limon was under the impression that the (3) individuals from the neighborhood would provide information to other residents. Mr. Limon then went on to provide presentation to Board. Mr. Limon stated that the traffic count will fluctuate from day to day. He stated that although they have (200) children enrolled, they all do not attend daily. Mr. Limon proposed that they would prescribe routes and times for parents to enter and leave neighborhood. They will encourage parents not to use Armour while Price Harris Elementary traffic is coming or going from the neighborhood. From 8:45 – 9:15 and 3:45-4:15 Discovery Place parents would not utilize Armour. They would propose that parents use Broadmoor and Killarney for mornings and afternoons. The Discovery Place would create route schedules for parents with the notion that parents would follow the schedules.

Cliff Farha, stated that the current traffic count states there will be 800 movements on Killarney which would create a 85% increase in traffic in the area. He also stated that they do not have any sidewalks in the area and inquired why we would allow commercial traffic onto residential roads.

Daryl Roberts, states he lives directly across the street from the potential site. He stated that the Discovery Place is the largest Daycare in the City. He passed out a graph of the homes that would be significantly impacted which also displayed who was **for** and **against** the Daycare. 50 homes are **against** and 5 are **for** the Daycare.

Dan Engle, stated that there is only (1) collector road in the neighborhood which is Armour. He also stated that the neighborhood doesn't have sidewalks which would create safety concerns for individuals who wish to walk dogs or run in the neighborhood.

Sally Allison, stated she has lived in the neighborhood for 20 years and is a member of the Church. She also stated that (6) employees of Discovery Place live in the neighborhood so they should be taken out of the traffic count. She also stated that there are individuals in the neighborhood who are for the project which brought her to question the legitimacy of the "NO" signs.

Raphael Fazio, thanked the Discovery Place and the Church for the meeting. He appreciated the effort but it doesn't solve the problem. He stated that everyone recognizes there is a traffic issue. He stated that there is no way for anyone to enforce the proposed scheduled route schedule parents would follow. He also stated that non-compliance would greatly impact the residents of the neighborhood.

Linda Hamilton, stated she has lived in the neighborhood for 30 years. She states she has witnessed large weddings and funerals that have taken place at the Church. These events create congestion within the neighborhood. She also stated that she likes to walk in the neighborhood and without sidewalks this would be safety hazard. Lastly, she stated why are we having discussion about building a commercial business in residential area.

Bill Longnecker, stated that the zoning code doesn't recognize Daycares as commercial business. It considers it a public/civic institutional use. Bill also stated that the site doesn't meet the location criteria.

Anthony Singer, stated that he lives at the corner of Killarney and Road. He stated he has witnessed events such as garage sales generate a lot of traffic in area. He also stated that it would be difficult to enforce proposed route schedules.

Marilyn Lynn Priest, stated she has sold Real Estate for over 30 years. She stated that this is a beautiful neighborhood and hates to see everyone at odds over this issue. She stated you will have more traffic but the values of your homes will go up with the Discovery Place there. She stated that people that are looking for homes in that area will be more likely to buy there if there is a good school such as the Discovery Place. Lastly, she stated the Discovery Place would be an asset to the community.

Susan Lacock, stated that the Discovery Place is a wonderful business. She stated that the Discovery Place is so successful that they need a place to grow. She also stated that she has small children and it would be a safety concern for them because there are no sidewalks in the area.

Randy Schaffer, states he lives directly across the street from the potential site of the Daycare. He also pointed out that this has nothing to do with the Church. He stated that

this is about putting a commercial enterprise in a totally residential area. He also stated that there no way to monitor the revisions.

Jim Long, stated that he lives in College Hill area and Blessed Sacrement is the anchor of their neighborhood. He also stated that this is a terrific location for the Discovery Place. Lastly, he stated that the potential of having a Daycare in neighborhood would uphold value of homes.

Jack Fieden, stated that he has lived in the neighborhood for 35 years. He stated this is a simple case and the proposal benefits a small group of people. He also stated that he spoke with the majority of residents that live on Killarney Road and all but (3) are against the Daycare being placed in their neighborhood.

Glenn Steele, stated that the traffic is there and it is not going to stop. There is kids that are speeding through the neighborhood on a daily basis, so we have problems that already exist in the neighborhood. He also stated that this project will not take place over night, it will take several years for them to raise money to build the site. Lastly, he stated that he has children that work at Discovery Place and is very fond of what they do as employers.

Sarah Devries, DAB Member, stated that the DAB did not come here tonight with any preconceived notions, she stated that we are here to hear their voices and discuss the issue at hand. **Daryl Crotts, DAB Member**, stated that he did not have an idea how he would vote until five minutes ago. He also stated that when you have 90% of the neighborhood opposed to something, that speaks volumes about the issue. **Tim Goodpasture, DAB Member**, asked what it would take to put sidewalks in the area. Bill Longnecker stated that it would take a petition and the property owners would be assessed the cost.

Recommendation: **Larry Frutiger, DAB Member**, made a motion to accept Staff's recommendation. **DAB voted 9-0 in favor of Staff's recommendation.**

With no further business, the meeting was adjourned at 8:55. The next DAB II meeting will be Monday August 4, 2008 at the Rockwell Library.

Respectfully Submitted,
Antione Sherfield, Neighborhood Assistant

Guest
Pamela Ernatt
Cliff Farha
Randy and Linda Shaffer
Daryl and Elizabeth Roberts
Rick Gaskill

Ken Mae
Dale and Susan Grahm
Rebecca Williams
Candy McKay
William White
Teo Brede loft
Mercedes Harrod
John and Nikki Belford
Frank Priest
Karen Norton
Steve Mues
Joann Welda n
Jim Lawing
Linda Hamilton
Roger and Irene Lowe
Wylie Ernatt
Larry and Lavon Arbogast
Susan Gaskill
Patti Mann
Chris Bestgen
Deb Williams
April Wheeler
Lester Limon
Jim and Dene Nelson
Pat Okley
Max Loveland
Bernie Padilla
Jack and Kay Feiden
Ole Hansen
Kendra Trimmell
Maney Myers
Susan Laycock
Susue Stallings
Glenn and Stephanie Stelle
Megan Stelle
Alysa Stelle
Vanessa Tillemans
Anthony Singer
Don Norton
Sharon Kiser
Derek Cornish
Diane White
Martha Smith
Margaret Way
James Way